

Judge McLaughlin's Courtroom Procedures

1. Counsel should stand whenever speaking, that is, counsel should stand when addressing the Court, the jury, or the witness.

2. Counsel may stand anywhere he or she chooses when questioning the witness or talking to the jury, except that counsel should not crowd the witness or the jury.

3. If counsel wishes to approach the witness, counsel should ask for permission to do so. "Your Honor, may I approach the witness." If counsel needs to approach one witness many times, I will at some point tell the lawyer that the lawyer need not continue to ask. When counsel approaches the witness, he or she should accomplish the reason for approaching and then return to the place from which he or she is questioning.

4. If counsel wishes to make an objection, he or she should stand and say "objection, Your Honor." Counsel may give the basis for the objection in a word or phrase, like "hearsay." Counsel may not make a speech. If counsel wishes to have a sidebar, the Court will usually grant the request if counsel does not ask for too many sidebars. Counsel is encouraged to bring any evidentiary questions to the attention of the Court outside the presence of the jury.

5. All counsel, but especially prosecutors, are reminded that redirect is still direct examination, and not cross.

6. Counsel has the responsibility to advise their witnesses that no witness, especially government witnesses in a criminal case, should talk to the jury at any time. For example, if the witness has stepped down from the witness stand to testify from an exhibit, the witness should not have any private conversation whatsoever with any juror. The witness may, of course, direct his or her answers to the jury's direction but the witness is still answering the lawyer's questions.

7. In opening or closing statements, no lawyer, especially criminal prosecutors, may call a witness, especially a criminal defendant, a "liar" or say that the witness "lied." Such conclusions are for the jury to make. Using such language is giving your opinion and inflammatory. Similarly, lawyers are not to give their own opinions during opening or closing statements. For example, you should not say "I believe," or "I think."

8. I will always have a clerk in the courtroom during a jury trial who will give the jurors any exhibits or other items that counsel requests be given to them. Counsel should not walk up to the jury and start handing them things out. Nor should

counsel ask the jurors if they can see or hear something. If counsel is concerned, he or she should say something like: "Your Honor, Would the Court ask if the jury can see or hear."

9. I consider a jury trial a very formal affair and ask all counsel to act accordingly. Coats, coffee cups, water bottles should not be left within sight of the jury. Boxes of exhibits or brief cases should not be on counsel table.

10. Opposing counsel should never talk to each other in front of the jury, without the Court's permission. The Court will allow counsel to have a private conversation if requested and if it will move things along. Lawyers should never talk to each other in front of the jury. Lawyers absolutely should not argue with either opposing counsel or the Court.